

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

AUG 5 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALEXANDER SMIRNOV,

Defendant - Appellant.

No. 24-4040

D.C. No.

2:24-cr-00091-ODW-1

Central District of California,  
Los Angeles

ORDER

Before: SCHROEDER, M. SMITH, and HURWITZ, Circuit Judges.

This is an appeal from the district court's order denying appellant's motion to reopen his detention hearing and impose conditions of release. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

We review the district court's factual findings concerning risk of flight under a "deferential, clearly erroneous standard." *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Id.* Thus, "the question of whether the district court's factual determinations justify the pretrial detention order is reviewed de novo." *United States v. Hir*, 517 F.3d 1081, 1086-87 (9th Cir. 2008) (citations omitted).

Appellant's sole argument is that that the district court clearly erred by finding that he had not agreed to post a corporate surety bond as a condition of

release. This argument misconstrues the record, which shows that the district court was simply explaining why it found “no comfort” in appellant’s proposal to hire a private security company and why its concerns about the risk of flight remained. Appellant has not shown any error in the court’s conclusion that appellant’s proposal did not warrant revisiting or changing the court’s decision that appellant poses a risk of flight and that no condition or combination of conditions will reasonably assure his appearance. *See* 18 U.S.C. § 3142(e), (f)(2).

**AFFIRMED.**